## UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA ANDERSON DIVISION

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Ralph C. McCullough, as Plan Trustee
for the estates of HomeGold, Inc.,
                                                         ORDER
HomeGold Financial, Inc., and
                                                    (Written Opinion)
Carolina Investors, Inc.,
                        Plaintiff,
            ٧.
                                           ) Civil Action No. 8:05-CV-0062-13
Robert A. Ashcraft,
Robert A. Ashcraft
                                           ) Civil Action No. 8:05-CV-0383-13
Douglas L. Wavle and Patricia A. Wavle
                                           ) Civil Action No. 6:05-CV-0384-13
Douglas E. Sprayberry
                                           ) Civil Action No. 6:05-CV-0385-13
K. Dean Pilgrim, Jean L. Pilgrim and
Stacey J. Pilgrim
                                           ) Civil Action No. 8:05-CV-0386-13
Eder McKinney and Lucile McKinney
                                           ) Civil Action No. 8:05-CV-0387-13
Richard H. Lee and Jeanne R. Lee
                                           ) Civil Action No. 8:05-CV-0389-13
Jay Guerry and\Meri Guerry
                                           ) Civil Action No. 8:05-CV-0390-13
Ronald R. Eades
                                           ) Civil Action No. 8:05-CV-0392-13
Jerry A. Collier and Margaret L. Collier
                                           ) Civil Action No. 8:05-CV-0393-13
Edward D. Paul and Nancy Coleman
                                           ) Civil Action No. 8:05-CV-0394-13
Hazel H. Bryant and Austin Bryant
                                           ) Civil Action No. 8:05-CV-0395-13
Robert L. Brown and Carmen L. Brown
                                           ) Civil Action No. 6:05-CV-0397-13
Merle Ballard
                                           ) Civil Action No. 8:05-CV-0398-13
Wylie A. Albertson and Helen G. Albertson
                                           ) Civil Action No. 8:05-CV-0399-13
Rosemary M. Bryan
                                           ) Civil Action No. 8:05-CV-0429-13
Gertrude Muth
                                           ) Civil Action No. 4:05-CV-0476-13
Larry McFadden and David L. McFadden
                                           ) Civil Action No. 8:05-CV-0477-13
John D. Kay
                                           ) Civil Action No. 6:05-CV-0543-13
John A. Dotson, Jr. and Debra Dotson
                                           ) Civil Action No. 8:05-CV-0812-13
William Rauschenbach
                                           ) Civil Action No. 8:05-CV-0974-13
Radhika Rohit Engineer and
                                           ) Civil Action No. 8:05-CV-0131-13
Rekha Rohit Engineer
Douglas F. Dorsey
                                           ) Civil Action No. 8:05-CV-1061-13
                        Defendants.
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This matter comes before the Court on Defendants' Motion for Summary Judgment filed September 23, 2005. Counsel for Plaintiff and Defendants presented oral arguments before this Court on October 24, 2005. The Court denies Defendants' motion.

IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment be DENIED.

IT IS SO ORDERED.

G. Ross Anderson, Jr.

UNITED STATES DISTRICT JUDGE

En Galvary

Anderson, South Carolina

January 20 , 2006.